UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/518,871	CHIPCHASE ET AL.
	Examiner	Art Unit	
	/NABIL H. SYED/	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *02 February 2010*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *42,44-51,53-56,59 and 61-81* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *42,44-51,53-56,59 and 61-81* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *2/17/10*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   The following is a final office action in response to the amendments filed 2/02/10.

Amendments received on 2/02/10 have been entered. Claims 43, 52, 57, 58 and 60

were previously cancelled. Accordingly claims 42, 44-51, 53-56, 59 and 61-81 are

pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically
>
> disclosed or described as set forth in section 102 of this title, if the
>
> differences between the subject matter sought to be patented and the prior
>
> art are such that the subject matter as a whole would have been obvious at
>
> the time the invention was made to a person having ordinary skill in the
>
> art to which said subject matter pertains. Patentability shall not be
>
> negatived by the manner in which the invention was made.

3.   Claims 42, 44, 45, 48-51 and 55, 62-66, 68-71, 73, 74 and 77-80 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Lin (WO 01/50224) in view of

Rankin (US Pub 2002/0039909) and further in view of Rodriguez et al. (6,650,761).

As of claims 42, 55 and 62, Lin discloses an apparatus (via a RFID reader 120

and a network-enabled device 130; see fig. 1), comprising:

a radio frequency tag reader configured, , to read a code from the radio frequency tag

(see page 8, lines 5-17);

a radio interface for transmitting and receiving data in a network (via the computer 130

transmitting the ID code of the tag and the reader to the network 140; see fig. 1; also see page 10, lines 19-22; Note: Lin discloses that computer 130 can be a portable lap top, a portable electronic organizer a digital mobile telephone so it has to have a radio interface to connect with the network 140); and

Lin further discloses that the application software 132 can include a look up table that map the ID codes of the tags to specific applications, servers, web site URLS (see page 11, lines 29-32). Lin further disclose that if the reader determines that the RF tag is a type 3 tag based on the tag's identification, hence determining that the read code corresponds with a stored code, and then the application software will begin a local application program on the user computer, hence performing an operation associated with the corresponding stored code (see page 13, lines 25-32). Further with respect to the lookup table, Lin discloses that the server computer 150 extracts the RF tag's unique code from the UTC and matches it against the codes in the look-up database tables. From that description it can be seen that one skill in the art would know that the computer 130 can also perform the function of matching the code in the look-table database in the computer 130 (page 11, lines 29-32). Even though the Examiner believes that based on this description it can be seen that the terminal device 130 does store the unique code of the tags and after reading the tags code first it is compared with the codes stored in the look up table of the application software and when the code is not present the terminal device will transmits the unique code of the tag to the server, hence transmitting a message.

Further, the computer 130 and server 150 can be referred to as an apparatus

claimed in claim 1. Line discloses that server computer 150 extracts the RF tag's unique

code from the UTC and matches it against the codes in the look-up database tables

(see page 6, lines 4-6). Lin further discloses that server matches the unique code in the

data base and if the code is not authenticated (meaning code does not correspond with

a stored code) an error message is displayed on the user computer 130 for the user

(see page 12, lines 2-15).

In order to further support the Examiner's point of view Rankin discloses an

apparatus (via an electronic device 1; see fig. 1) which reads a code from a radio

frequency tag (via electronic device 1 reading a code from tag 10; see figs. 1 and 2;

also see paragraph [0040]). Rankin discloses that the electronic device comprises a

memory (via storage means 25) configured to store a plurality of codes and each code

is associated with an operation (see paragraph [00440, lines 1-12). Rankin further

discloses that electronic device comprises a controller (via processing means 22 and

control means 23; see fig. 2) configured to determine whether the read code

corresponds with any of the plurality of codes stored in the memory and when the read

code corresponds with any of the plurality of codes stored in the memory to perform an

operation associated with the corresponding stored code (via processing means 22

matching the tag identifying data with the information in the storage means and

changing the device setting if the storage means holds information linking tag identifying

data with one or more device settings; see paragraph [0044] and [0048]). Rankin

discloses that the storage means 25 may be provided remote from the apparatus which

is hosted by a service provider or third party (see paragraph [0045]). So in this case the electronic device will read the tag data, and then transmit the tag data to the service provider which will match the tag data in the storage means, and make available a selection of chosen device settings appropriate for a given context. Based on this description it can be seen that Rankin discloses that the codes associating the tag data with the device settings can stored locally on the device, or they can be stored at a remote destination. As disclosed above, Lin discloses that a reader reads the code from the RFID tag and transmits the code to a remote server.

Even though Rankin does not disclose the steps of matching the codes in the manner claimed in the present application, namely, first matching the codes locally and if not found then transmitting the code to a remote destination to match the codes remotely, but Rankin does disclose that the codes associating the tag data with the device settings can be stored locally on the device, or they can be stored at a remote destination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reference of Rankin in the manner claimed in the present application, since that would not change the respective functions of the device (because the electronic equipment, already perform both functions, namely, matching the code locally and transmitting the code to a remote destination) and it would have yielded nothing more than predictable results to one of ordinary skill in the art.

In order to further support the Examiner assertion Rodriguez discloses a an apparatus (via computer 14) which reads Bedoop data (any data which initiates some actions on the computer 14) from an item 20 (see fig. 1; also see col. 2, lines 60 through

col. 3, lines 9). Rodriguez discloses that the computer's operating system registry

database can be employed to associate different application programs with different

Bedoop data, so when an object with such Bedopp data is encountered the operating

system automatically launches the corresponding application to service the Bedoop

data in an appropriate manner (see col. 7, lines 5-57 and lines 49-60). Rodriguez further

discloses that if the computer system encounter a Bedoop object for which it does not

have a registered application, it establish a link to a mater server computer 42 and

transmit the Bedoop data (or a part of the data) to that serer computer (see col. 7, lines

63 through col. 8, lines 6). Rodriguez further discloses that Bedoop data is divided into

three fields CLASS, DNS and UID. Rodriguez further discloses that the CLASS ID and

DNS Ids are used in identifying the server computer (remote destination) that will

respond to the Bedoop data (see col. 7, lines 30-34). Rodriguez further discloses that

the master server 42 examines the CLASS ID, and forwards the Bedoop data to a

corresponding CLASS server 44 (remote destination; see col. 8, lines 56-67). Note: the

Examiner is interpreting that the CLASS server 44 is the remote destination and since

the CLASS server 44 is chosen based on the CLASS ID received from Bedoop data,

the CLASS sever 44 (remote destination) is dependent upon the read code (Bedoop

data). Further note that claim language merely recites that a message is transmitted to

a remote destination via the network, wherein the remote destination is dependent upon

the read code", it does not specify that the message is directly transmitted to a specific

destination, so a message can be transmitted indirectly through intervening servers.

From the teaching of Rodriguez it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the combination of

Lin and Rankin to include the step of matching the code data locally in the device first in

order to expedite the process, because if the data is matched locally it would take less

time to process and perform the associated action, and then if data is not matched

transmit a message to a remote computer so the remote computer can instruct the

originating device how to respond appropriately (see col. 8, lines 1-6).

As of claims 44, 45, 73 and 74, Lin discloses that if a "free tag" is used, a user

can obtain free clips of audio tracks, movie trailer to play them on their

computer/network enable device 130; see page 21, lines 1-15) and if a user uses a

"special tag" they can listen to the radio content on a server computer via the computer

130 (see page 21, lines 31-33), hence different tag transmits different messages on the

network and computer 130 performs different operation based the instructions received

from the server.

As of claims 48 and 77, Lin discloses that the operation relates to sending an

email (see page 9, lines 21-26). Rankin further discloses that the tags can be used to

control function of the electronic equipment with regard to emails (see paragraph

[0049]).

As of claims 49, 50, 78 and 79, Lin discloses that RF tag can be used as

"business cards" to client. When placed in the proximity of a reader, the business

person's email address will be displayed to the client and the user can type a message

(amending the email) and send the email by pressing "send", hence requesting the user approval before sending the email (see page 25, lines 6-12)

As of claims 51 and 80, Lin discloses that each RF tag's unique code is linked to a web site URL, hence specifying the IP address or the domain name where the resource is located on the interne, and the user uses the computer 130 to open a browser (see page 5, lines 13-16).

As of claims 63, 65, 66, 70, 71 Lin discloses that application software 132 reads the RF tag unique code off of the tag, then checks if the local application program needs to be start, and if not, a message is transmitted to the server 150 including the tag's unique code (see page 13, lines 21-32).

As of claim 64 and 69, Lin discloses that the compute 130 reads the unique code from the tag and initiates a local application, for example launching a browser program (see page 6, lines 13-25), hence comprising a macro which is used by the computer 130 to perform the function of launching the browser. Lin further discloses that each code of the RF tag is mapped with a specific application or web site URL that is accessed via the computer network 140.

As of claim 68, Rankin discloses that apparatus is a portable communication apparatus (via mobile phone 1; see fig. 1).

4.   Claims 46, 47, 75, 76 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, Rankin, Rodriguez et al., and further in view of Wischerop et al. (5,955,951).

As of claims 46, 47, 75, 76 the combination of Lin, Rankin and Rodriguez

disclsoes all the limitations of the clalimed invention as mentioned in claim 42 above,

however the combination fails to explicitly disclose that the apparatus comprising a

docking port and the RFID reader is configured, in response to the docking port

receiving a device to read information form the tag.

Wischerop discloses a apparatus comprising a RFID reader (via a detaching unit

26, including a control circuit 92, wherein control circuit interrogates the tag 28; see col.

7, lines 53-65), detaching unit further comprising a nesting area 84 (docking port), the

control circuit 92 interrogating the tag 28 only when the tag is in the nesting area 84

(see col. 7, lines 19-31; also see col. 7, lines 51-64; also see fig. 5). Wischerop further

discloses that the detaching unit 26 comprises a switch 86 in the nesting area 84

(docking port) to provide an indication that a tag 28 has been positioned in the nesting

area 84 (see col. 7, lines 24-29).

From the teaching of Wischerop it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the combination of

Lin, Rankin and Rodriguez to include a docking port on the apparatus as taught by

Wischerop in order to eliminate any problem of interference from other tags that may be

present at the vicinity of the reader (see col. 7, lines 62-65).

As of claim 81, the combination of Lin, Rankin and Rodriguz discloses all the

limitations of claimed invention as mentioned in claim 42 above, Wischerop further

discloses a device (via tag 28; see fig. 8), comprising: a casing configured to be

received by a docking port of an apparatus (via enclosure 50; see fig. 5 and 3); a

memory configured to store information (via RFID chip 64 storing multi-bit identification

data; see col. 5, lines 56-60); and

a radio frequency tag configured, in response to the reception of the casing by the

docking port, to transmit the stored information to the apparatus, in order to enable the

apparatus to transmit a message (via RFID chip 64 emitting an identification signal

corresponding to the stored data in response to a radio frequency interrogation signal;

see col. 5, lines 55-64; also see col. 7, lines 53-65; also see fig. 5).

5.   Claims 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lin, Rankin, Rodriguez, Wischerop et al. and further in view of Gallagher, et al.

(6,963,270).

As of claims 53 and 54, Lin discloses that RFID reader reads plurality of tags and

performs different functions based on the tag's unique code. Wischerop further

discloses that the nesting area (docking port) interrogate the tag when the tag is placed

in the nesting area. (Note: In the previous office action the Examiner took official notice

stating that having multiple tags in the reader fields would have been obvious to one

having ordinary skill in the art at the time the invention was made since it is well know in

the art that RFID reader can have multiple tags in the reading area simultaneously,

since applicant did not traverse the examiner's assertion of official notice, the statement

is taken to be admitted prior art because applicant failed to traverse the examiner's

assertion; see MPEP 21444.03, section C).

In order to support the Examiner's notice Gallagher discloses a RFID system

wherein a reader interrogates multiple tags located within an interrogation zone of the

reader (see col. 2, lines 22-26).

6.   Claims 56, 59 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lin, Rankin, Rodriguez and further in view of Walter (6,275,14).

As of claim 56 and 61, Lin discloses an apparatus, comprising:

a memory configured to store first information (Lin discloses that the data of interest

(first information) of a user is stored in a system server under a unique RF code; see

page 23,lines 24-28);

a radio frequency tag reader configured to read second information from a radio

frequency tag of a device (via RFID reader reading the unique code of the RFID tag

(second information); see page 23, lines 27-29); and

a controller configured, in response to the reading of the second information from the

radio frequency tag, to activate a secrecy mode by concealing the first information, such

that the first information is inaccessible by an unauthorized user (Note: Lin discloses

that the data of interest is stored in the system server under a unique RF code, hence

first the RF tag's code is used to conceal the data of interest of the user. So every time

when users wishes to acquire the data of interest he/she uses his/her tag to acquire the

data, and after every use data is concealed since the tag will be required, the next time

user wishes to acquire the data of interest; see page 23, lines 24 through page 24, lines

5).

However Lin does not explicitly disclose the step of concealing the first information when the first information is displayed on the display.

Walter discloses a single key security system wherein different functions such as using a cellular phone of the vehicle (see fig. 1) are available to the user. But when the processor 116 receives a signal from the remote control 102 it enables a valet mode (secrecy mode) wherein the use of the cellular phone and hence the information displayed on the cellular phone is disable (see col. 7, lines 35-45).

From the teaching of Walter it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Line to include the function of concealing some information as taught by Walter in order to provide the user with the option to give limited and restricted access to user's communication device.

As of claim 59, Even though not explicitly said but from the description of Lin it can be seen that when a person is given an RFID tag he/she is authorized to access the data of interest (first information) on the server computer via the network-enabled device, and after the user has viewed the information using the RF tag code (second information) the data of interest is concealed, unless the RF tag is presented again, hence the server system activate the secrecy mode by concealing the data for interest (first information) such that the data is inaccessible by an unauthorized user (Note: unauthorized user can be viewed as any user who does not posses an authorized RF tag). Further as discloses above the network-enabled device comprises a computer, hence comprising a display to view the data of interest (see page 23, lines 24-32; also

see page 24, lines 15-20). Further when user is viewing the data of interest, of course

they have the option to show the information to any individual they desire, whether that

person possesses a valid RFID tag or not.

Lin further discloses that when the processor receives a signal from the remote

control 102 it deactivates the valet mode so the user have full access to the vehicle, and

devices in the vehicle (see col. 7, lines 35-45).

7.   Claims 67, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lin, Rankin, Rodriguez, and further in view of Katagishi et al. (US Pub

2003/0120745).

As of claim 67 and 72, the combination of Lin, Rankin and Rodriguez discloses

all the limitations of the claimed invention; however the combination fails to explicitly

disclose that at least a part of the read code is used to select a remote server.

Karagishi discloses an information receiving system wherein a reader (via

cellular phone 20; see fig. 1) reads a code from a RFID tag (via cellular phone 20

reading a server access address and product ID from the RFID tag 10; see fig. 1; also

see paragraph [0057]), wherein the code (the part containing the server access

address) is used to select a destination (server 30) (see fig. 1; also see paragraph

[0055]-[0059]).

From the teaching of Karagishi it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the combination of

Lin, Rankin and Rodriguez to include the step of using the code to select a destination

as taught by Karagishi in order to improve the functionality of the PDA's or cellular as

RFID reader so the reader automatically accesses the server based on the server

access address.

Response to Arguments

8.   Applicant's arguments filed 2/2/10 have been fully considered but they are not

persuasive.

Applicant argues that combination of Lin, Rankin and Rodriguez does not

disclose the aspect of "transmitting a message to a remote destination in case no

matching code is found, wherein the destination is dependent upon the read codes."

The Examiner respectfully disagrees.

Rodriguez discloses a an apparatus (via computer 14) which reads Bedoop data

(any data which initiates some actions on the computer 14) from an item 20 (see fig. 1;

also see col. 2, lines 60 through col. 3, lines 9). Rodriguez discloses that the computer's

operating system registry database can be employed to associate different application

programs with different Bedoop data, so when an object with such Bedopp data is

encountered the operating system automatically launches the corresponding application

to service the Bedoop data in an appropriate manner (see col. 7, lines 5-57 and lines

49-60). Rodriguez further discloses that if the computer system encounter a Bedoop

object for which it does not have a registered application, it establish a link to a master

server computer 42 and transmit the Bedoop data (or a part of the data) to that serer

computer (see col. 7, lines 63 through col. 8, lines 6). Rodriguez further discloses that

Bedoop data is divided into three fields CLASS, DNS and UID. Rodriguez further

discloses that the CLASS ID and DNS IDs are used in identifying the server computer

(remote destination) that will respond to the Bedoop data (see col. 7, lines 30-34).

Rodriguez further discloses that the master server 42 examines the CLASS ID, and

forwards the Bedoop data to a corresponding CLASS server 44 (remote destination;

see col. 8, lines 56-67). Note: the Examiner is interpreting that the CLASS server 44 is

the remote destination and since the CLASS server 44 is chosen based on the CLASS

ID received from Bedoop data, the CLASS sever 44 (remote destination) is dependent

upon the read code (Bedoop data). Further note that claim language merely recites that

a message is transmitted to a remote destination via the network, wherein the remote

destination is dependent upon the read code", it does not specify that the message is

directly transmitted to a specific destination, so a message can be transmitted to a

sever (remote destination) indirectly through intervening servers.

Based on the explanation given above, it is the Examiner's position that the reference of

Rodriguez discloses the limitation of transmitting a message to a destination in case no

matching code is found, wherein the destination is dependent upon the read code.

In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re

Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, all the references applied disclose an apparatus, wherein coded

information is read from a device, and then the reading device performs a function

based on the read information. Further as disclosed above, Rodriguez discloses a

system, wherein an apparatus sends a message to a remote destination wherein the

remote destination is dependent upon the read code, so from the teaching of Rodriguez

it would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify the combination of Lin and Rankin to include the step of

matching the code data locally in the device first and if not found then transmitting the

data to a remote computer so the remote computer can instruct the originating device

how to respond appropriately (see col. 8, lines 1-6).

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to /NABIL H. SYED/ whose telephone number is (571)270-

3028. The examiner can normally be reached on M-F 7:30-5:00 alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Zimmerman can be reached on (571)272-3059. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NABIL H SYED/
Examiner
Art Unit 2612

N.S

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612